

Report to the Planning and Zoning Commission

Prepared by the Maricopa County Planning and Development Department

Case:	TA2005007
Subject:	SRP Cellular Communication Text Amendment
Meeting Date:	May 18, 2006
Agenda Item:	x
Supervisor District:	All

Proposal: A proposed text amendment to the Maricopa County Zoning Ordinance to allow “by-right” co-location of cellular communication facilities on existing utility poles, towers and sub-stations.

Background: **May 29, 1969:** The current form of the Maricopa County Zoning Ordinance (MCZO) was adopted.

April 5, 1992: TA-92-2 became effective. This Text Amendment added Article XXII-E to the MCZO to regulate cellular communication facilities.

September 5, 2001: TA2000006 was approved by the Board of Supervisors. This purpose of this Text Amendment was to eliminate existing loopholes in existing Ordinance language, define “existing verticality”, architectural compatibility and add language regarding emergency generators.

Discussion:

1. The Wireless Communication Facilities section of the MCZO has been in effect for approximately 14 years now. Some revisions and refinements have been made to this section of the Ordinance; however, it has remained mostly as written from its initial adoption date in 1992. The existing regulations attempt to strike a balance between the need and desire for wireless communication facilities and preserving the character of residential neighborhoods and sensitive hillside areas. This is currently accomplished via either an administrative approval process or through the Special Use Permit process. Administrative approval for cellular

communication facilities may be granted if a proposed facility can meet certain criteria as outlined in the MCZO. If a proposed cellular communication facility cannot meet these criteria, the applicant may attempt to obtain a Special Use Permit through the Board of Supervisors.

2. Both the administrative approval process and the Special Use Permit process allow for public notification and involvement in the process. Property owners within 300 feet of any proposed cellular communication facility are notified by staff. Additional notice is given during the Special Use Permit process by posting the site and placing a legal notice in local media. These steps ensure that neighboring property owners potentially affected by the location of a wireless communication facility may have input in the process.
3. Salt River Project (SRP) is requesting a Text Amendment to the Wireless Communication Facilities section of the MCZO. This Text Amendment initially sought to loosen restrictions on locating wireless communication facilities on existing utility structures, address co-location on existing structures that exceed height restrictions, temporary wireless facilities and some modifications to existing development standards. These proposed changes are geared primarily towards utility providers seeking to allow co-location of wireless facilities on existing utility towers. Approval of this proposed Text Amendment would speed the approval process for co-location of wireless communication facilities on existing utility infrastructure but would also reduce or eliminate public notice for administrative approvals, allow existing or replacement structures to increase in height and liberalize requirements in the MCZO to reduce or eliminate the need for Special Use Permits.
4. SRP has since provided an alternative amendment incorporating changes suggested by staff. The modified proposal has more emphasis on locating cellular facilities within existing substations and eliminates the ability to increase height of existing facilities without notification to surrounding property owners.
5. The following text is the original proposal before the Commission. Staff has incorporated it into the body of the staff report to convert it to legislative format. Text proposed to be deleted from the Ordinance is indicated via ~~striketrough~~ while proposed additions are indicated in ALL CAPS:

SECTION 1202. WIRELESS COMMUNICATION FACILITIES^{*1}

ARTICLE 1202.1. PURPOSE: The principal purpose of this district is to establish the locations in unincorporated Maricopa County where communication facilities may be located and the regulations that apply to their placement. The regulations contained herein are designed to recognize the need to accommodate the approval of those types of

public utility uses while still recognizing the need to promote the public health, safety and general welfare of the citizens of Maricopa County. These regulations establish zoning standards that will protect the integrity of single-family neighborhoods and maintain the character, identity, and image of hillside areas.

ARTICLE 1202.2. GENERAL PROVISIONS

- 1202.2.1. The Wireless Communication Facilities Use Districts are divided into **three use districts** (see attached Use Districts Map) according to the following criteria^{*1}:
1. ***District 1:*** The areas of unincorporated Maricopa County which are either planned or developed to an urban density and/or in designated scenic areas (e.g. scenic highways) in proximity to these urban areas.
 - a. ***District 1-A:*** Those areas within District 1 which are located along and within **one mile** of U.S. Interstate 17, U.S. 60-89 (exclusive of the Sun City and Sun City West developments), State Highway 71 and State Highway 87 east of the Fort McDowell Mohave/Apache Native American community^{*1}.
 2. ***District 2:*** Buffer areas or major highways (including I-10 but excluding Interstate 17, U.S. Highway 60-89, State Highway 87, Interstate 8 and State Highway 71) around urban/developed and/or scenic areas^{*1}.
 3. ***District 3:*** Those areas of unincorporated Maricopa County which are not within District 1, District 1-A or District 2^{*1}.
- 1202.2.2. Wireless communication facilities are permitted on individual lots of record, or on lease or easement areas described by metes and bounds of any size in Districts 1, 1a, 2 and 3^{*1}.
- 1202.2.3. The construction and location of cellular communication facilities shall be subject to the standards contained in this regulation, unless otherwise noted herein.
- 1202.2.4. Wireless communication structures in excess of **199 feet** in height and located within **three miles** of a military or municipal airport shall be required to obtain Special Use Permit approval of the Board of Supervisors^{*1}.
- 1202.2.5. The administrative approval process, as applied to this Section, shall involve the following procedure:

1. An application, together with supporting plans, documentation and fees shall be submitted to the Zoning Division of the Department. The names and addresses of all property owners of record as set forth in the records of the Maricopa County Assessor within **300 feet** of the metes and bounds description of the area on which the wireless communication facility is proposed shall be submitted by the applicant as a part of the application. ^{*1}
2. The Plan Review Division of the Department shall notify all property owners within **300 feet** of the metes and bounds description of the area on which the wireless communication facility is proposed, of the administrative approval request by first-class mail ^{*1}.
3. The Plan Review Division of the Department shall authorize administrative approval for the wireless communication structure if a written objection/protest is not received from any person notified pursuant to paragraph 1202.2.5.2. above within **14 days** from the date the notice is mailed. If a written objection/protest from any person notified pursuant to paragraph 1202.2.5.2. is received, the Director may withhold approval of the administrative approval request. If a written objection/protest is rescinded or withdrawn after the Plan Review Division of the Department has withheld approval, the Plan Review Division of the Department shall approve the administrative approval request. ^{*1}
4. Provided, however, the Plan Review Division of the Department may authorize the administrative approval, even though a written protest has been received, if it is determined by the Plan Review Division of the Department that the public health, safety and general welfare will not be adversely affected, and that necessary safeguards will be provided for the protection of adjacent property or the permitted uses thereof; provided that the property owners and the applicant noted herein are notified of same and given an additional **14 days** to appeal to the Director of the Department, and if an appeal is made, shall make the final decision. ^{*1}

1202.2.6 ANY WIRELESS COMMUNICATION FACILITY PROPOSED TO BE LOCATED ON ANY OF THE FOLLOWING, SHALL NOT BE SUBJECT TO THE NOTIFICATION REQUIREMENTS DESCRIBED IN SECTIONS 1-4 ABOVE:

1. ALL EXISTING OR REPLACEMENT ELECTRIC TRANSMISSION AND DISTRIBUTION STRUCTURES;

2. ALL EXISTING COMMUNICATIONS TOWERS;
3. ALL TEMPORARY WIRELESS COMMUNICATION FACILITIES

IF THE PLAN REVIEW DIVISION OF THE DEPARTMENT FINDS THAT THE PUBLIC HEALTH, SAFETY AND GENERAL WELFARE WILL NOT BE ADVERSELY AFFECTED, IT SHALL AUTHORIZE THE ADMINISTRATIVE APPROVAL WITHIN 14 DAYS FROM THE DATE THE APPLICATION IS MADE. THE APPLICANT NOTED HEREIN SHALL BE GIVEN 14 DAYS FROM THE DATE OF THE DECISION TO FILE AN APPEAL, IN WRITING, TO THE DIRECTOR OF THE DEPARTMENT. THE DECISION OF THE DIRECTOR OF THE DEPARTMENT SHALL BE MADE WITHIN 14 DAYS OF THE APPEAL AND WILL BE FINAL.

ARTICLE 1202.3. STANDARDS: The following standards shall apply in the Wireless Communication Facilities Use Districts^{*1}:

1202.3.1. **District 1** (Urban/Developed or Scenic):

1. In Rural, or Single-Family Residential Zoning Districts, land classified by the Assessor as Agricultural or Multiple-Family Zoning Districts, wireless communication facilities are allowed as accessory uses to nonresidential uses, subject to the following limitations^{*1}:

- a. The wireless communication facility shall replace an existing pole, light standard, communication facility or other pole-like structure of the same or less height and similar circumference that has been in existence for at least **one year**, or the antennae shall be attached to an existing pole or structure that has been in existence for at least **one year**, that otherwise meets applicable provisions of this Ordinance. Existing poles and/or structures in existence for less than **one year**, including proposed facilities within Development Master Plan areas, may be approved at the discretion of the Director of the Department.^{*1}

i. EXISTING STRUCTURE OVER 80 FEET- ANTENNAS MAY BE MOUNTED TO AN EXISTING STRUCTURE WHOSE HEIGHT EXCEEDS 80 FEET PROVIDED THAT THE OVERALL HEIGHT OF THE STRUCTURE IS NOT INCREASED BY MORE THAN 10 FEET.

ii. **REPLACEMENT STRUCTURES** SHALL NOT BE TALLER THAN 15 FEET GREATER THAN THE STRUCTURE BEING

REPLACED. ANTENNAS MOUNTED TO THE REPLACEMENT STRUCTURE MAY NOT EXCEED 10 FEET OVER THE HEIGHT OF THE REPLACEMENT STRUCTURE. NOTWITHSTANDING, THE OVERALL HEIGHT OF THE STRUCTURE (INCLUDING THE ANTENNAS) SHALL NOT EXCEED 80 FEET.

- b. The maximum height of a wireless communications facility LOCATED ON A NEW OR REPLACEMENT STRUCTURE, including the base, platform and attached antennae shall not exceed **80 feet** above grade or the height of the structure set forth in Section 1202.3.1.1.a. above, whichever is greater. ^{*1}
- c. Up to **two wireless communication facilities** may be mounted on a building and may include not more than **two microwave antennae dishes** with diameters of not more than **one and one half meters** (4.9 feet) each, and each being **15 feet** or less in height as measured above the roofline so long as the supporting structure is screened. ^{*1}
- d. Any microwave dish antennae shall be clustered near the top of a cellular communication facility, unless otherwise approved by the Director.
- e. The color of a wireless communication facility shall be compatible with the surrounding environment. ^{*1}
- f. Installation of a wireless communication facility shall avoid removal of mature trees and cacti unless a plan for their relocation is approved by the Department. ^{*1}
- g. Wireless communication facilities which are installed on properties on or within **500 feet** of a property required to meet Hillside Development Standards of Chapter 12, Section 1201. of this Ordinance shall be required to obtain Special Use Permit approval of the Board of Supervisors. ^{*1}
- h. Wireless communication facilities shall be setback **80 feet** from all property lines, EXCEPT WHEN THE WIRELESS COMMUNICATION FACILITY IS TO BE LOCATED ON AN EXISTING OR REPLACEMENT STRUCTURE AND WHEN THE ASSOCIATED GROUND MOUNTED EQUIPMENT IS COMPLETELY SCREENED BY EXISTING OR PROPOSED WALLS, VEGETATION OR OTHER TYPES OF SCREENING. Other yard requirements may be approved by the Planning

Director subject to the requirements for administrative approval contained herein.*¹

- i. Radiation from the antennae shall not interfere with any existing communication sites.
 - j. The maximum diameter of any microwave dish shall be **one and one half meters (4.9 feet)** unless a larger size is approved by the Director as an administrative approval, subject to the requirements for administrative approval contained herein.
 - k. All ground-mounted equipment associated with a wireless communication facility shall be completely screened from public view by landscaping, natural features, or existing structures. To the extent possible, all structures and related equipment shall be screened and designed to blend in with the surrounding environment. GROUND EQUIPMENT STRUCTURES FEATURING ARCHITECTURAL EMBELLISHMENTS MAY BE CONSIDERED IN LIEU OF REQUIRED SCREENING. All panel antennae and related hardware and cables that are mounted on an existing structure shall be painted to match that of the existing structure or camouflaged to reduce visual impacts.*¹
 - l. **One parking space** for the maintenance of the wireless communication facility must be provided. (SAID PARKING SPACE SHALL BE TREATED WITH MATERIALS WHICH REDUCE THE EMISSION OF DUST.) ~~Said parking space must be paved to reduce the emission of dust.*¹~~
 - m. A solid screen wall of a maximum of **six feet high** shall be constructed around the facility and shall screen all equipment.*¹
 - n. All permanent generators associated with any wireless communication facility shall be contained in a completely enclosed building.*¹
2. In commercial or industrial zoning districts, wireless communication facilities are permitted subject to the following limitations:*¹
- a. The wireless communication facility, if exceeding the height requirements of the zoning district in which it is located, shall

be set back from a property line that abuts land located in a Rural or Residential Zoning District **two feet** for every **one foot** in height of the wireless communication facility, EXCEPT WHEN THE WIRELESS COMMUNICATION FACILITY IS LOCATED ON AN EXISTING OR REPLACEMENT STRUCTURE AND WHEN THE ASSOCIATED GROUND-MOUNTED EQUIPMENT IS COMPLETELY SCREENED BY EXISTING OR PROPOSED WALLS, VEGETATION OR OTHER TYPES OF SCREENING. Notwithstanding the foregoing, the wireless communication facility shall be permitted to be located in alignment with the front of the principal building on the lot or parcel on which the wireless communication facility is erected provided the wireless communication facility is located a minimum of **100 feet** from an adjacent single-family district property line, EXCEPT WHEN THE WIRELESS COMMUNICATION FACILITY IS LOCATED ON AN EXISTING OR REPLACEMENT STRUCTURE AND WHEN THE ASSOCIATED GROUND-MOUNTED EQUIPMENT IS COMPLETELY SCREENED BY EXISTING OR PROPOSED WALLS, VEGETATION OR OTHER TYPES OF SCREENING. ^{*1}

- b. The maximum height of a wireless communications facility LOCATED ON A NEW STRUCTURE, including the base, platform and attached antennae, shall not exceed **80 feet** above grade provided, however, the Director may administratively approve a maximum height not to exceed **110 feet above grade**, subject to the requirements for administrative approval contained herein. ^{*1}
- c. Up to **two** wireless communication facilities may be mounted on a building and may include not more than **two** microwave antennae dishes with diameters of not more than **one and one half meters (4.9 feet)** each, and each being **15 feet or less** in height as measured above the roofline so long as the supporting structure is screened. ^{*1}
- d. Any microwave dish antennae shall be clustered near the top of a wireless communication facility, unless otherwise approved by the Director. ^{*1}
- e. The color of a wireless communication facility shall be compatible with surrounding environment. ^{*1}

- f. Installation of a wireless communication facility shall avoid removal of mature trees and cacti unless a plan for their relocation is approved by the Department. ^{*1}
- g. Wireless communication facilities which are installed on properties on or within **500 feet** of a property required to meet Hillside Development Standards of Chapter 12, Section 1201. of this Ordinance shall be required to obtain Special Use Permit approval of the Board of Supervisors. ^{*1}
- h. Wireless communication facilities shall be required to meet yard requirements of primary buildings or structures of the zoning district in which they are located, unless otherwise specified herein. ^{*1}
- i. Radiation from the antennae shall not interfere with any existing communication sites.
- j. The maximum diameter of any microwave dish shall be **one and one half meters (4.9 feet)**, unless a larger size is approved by the Director as an administrative approval, subject to the requirements for administrative approval contained herein.

1202.3.2. ***District 1-A*** ^{*1}

- 1. Wireless communication facilities shall be allowed in any zoning district subject to the same standards and height applied in Chapter 12, Section 1201., Article 1202.3.1.2.

1202.3.3. ***District 2*** ^{*1}

- 1. Wireless communication facilities plus structures or towers and related facilities used exclusively for wireless communication purposes shall be permitted in any zoning district, subject to the following limitations: ^{*1}
 - a. The maximum height of a wireless communications facility LOCATED ON A NEW STRUCTURE, ~~or structure or towers~~ including the base, platform and attached antennae shall not exceed **110 feet** above grade, except that along and within **one mile** of U.S. Interstate-10 (I-10) the height shall not exceed **250 feet** above grade. ^{*1}

- b. The wireless communication facility or structure or tower in item 1202.3.3.1.a., shall be set back from a property line that abuts land located in a Rural or Residential Zoning District, or along or within **one mile** of the right-of-way of U.S. Interstate-10 (I-10), **two feet** for every **one foot** in height of the wireless communication structure. ^{*1}
- C. A WIRELESS COMMUNICATION FACILITY LOCATED ON AN EXISTING OR REPLACEMENT STRUCTURE WITH THE ASSOCIATED GROUND-MOUNTED EQUIPMENT COMPLETELY SCREENED BY EXISTING WALLS, VEGETATION AND OTHER TYPES OF SCREENING, SHALL NOT BE SUBJECT TO THE HEIGHT OR SETBACK REQUIREMENTS IN 1202.3.3.1.A AND B. REPLACEMENT STRUCTURES SHALL NOT BE TALLER THAN 25 FEET GREATER THAN THE STRUCTURE BEING REPLACED. ANTENNAS MOUNTED TO THE REPLACEMENT STRUCTURE MAY NOT EXCEED 20 FEET OVER THE HEIGHT OF THE EXISTING OR REPLACEMENT STRUCTURE.
- d. Wireless communication facilities may be mounted on a building and may include any number of microwave antennae dishes each being **15 feet** or **less** in height as measured above the roofline so long as the supporting structure is screened. ^{*1}
- e. The color of a wireless communication facility or structure or tower shall be compatible with the surrounding environment unless otherwise required for safety purposes. ^{*1}
- f. Installation of a wireless communication facility or structure or tower shall avoid removal of mature trees and cacti unless a plan for their relocation is approved by the Department. ^{*1}
- g. Wireless communication facilities or structures or towers which are installed on properties on or within **500 feet** of a property required to meet Hillside Development Standards of Chapter 12, Section 1201. of this Ordinance shall be required to obtain Special Use Permit approval of the Board of Supervisors. ^{*1}
- h. Except as specified in Chapter 12, Section 1202.3.3.1.b., wireless communication facilities or structures or towers shall be required to meet yard requirements of primary buildings or structures of the zoning district in which they are located, unless a lesser setback is approved as an administrative

approval by the Director, subject to the requirements of administrative approval contained herein. ^{*1}

- i. Radiation from the antennae shall not interfere with any existing communication sites.

1202.3.4. ***District 3***^{*1}

- 1. Wireless communication facilities plus structures including tower, and related facilities used exclusively for wireless communication purposes shall be permitted in any zoning district without limitation, subject to the following standards: ^{*1}
 - a. The color of a wireless communication facility or structure or tower shall be compatible with the surrounding environment unless otherwise required for safety. ^{*1}
 - b. Installation of a wireless communication facility or structure or tower shall avoid removal of mature trees and cacti unless a plan for their relocation is approved by the Department. ^{*1}
 - c. Wireless communication facilities or structures or towers which are installed on properties on or within **500 feet** of a property required to meet Hillside Development Standards of Chapter 12, Section 1201. of this Ordinance shall be required to obtain Special Use Permit approval of the Board of Supervisors. ^{*1}
 - d. Radiation from the antennae shall not interfere with any existing communication sites.

Date of Revisions			
*1	Effective 10-4-01		

- 5. The primary thrust of this proposed Text Amendment is to allow placement of cellular communication facilities on existing utility poles. This amendment would also provide an easier path for co-locations on existing cellular poles and towers and also the location of cellular communication facilities on wheels (cows). Another feature of the proposed amendment would be to allow alternate types of screening for ground equipment associated with the cellular facility. Currently, the Zoning Ordinance requires a six-foot high masonry wall for screening and security. The applicant has proposed amending this requirement to allow for walls, vegetation or other types of screening.
- 6.

Recommendation:

x. Staff recommends this Text Amendment be

clh

Attachments: Exhibit "A" - MCZO, Ch. 12, Sec. 1202 – Wireless Communication Facilities (x pages)

Exhibit "B" – Initial proposed SRP language changes to MCZO (X pages)

Exhibit "C" – Revised proposed SRP language changes to MCZO (x pages)